

**Fw: Rothwell backyard - again**

**Brenda Morris** to: Donnak Inman

05/07/2009 07:29 PM

From: Brenda Morris/ENF/R8/USEPA/US  
To: Donnak Inman/R8/USEPA/US@EPA

History: This message has been forwarded.

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----- Forwarded by Brenda Morris/ENF/R8/USEPA/US on 05/07/2009 07:28 PM -----



**"Charles E. Hansberry"**  
<cehansberry@GARLINGTON.COM>

05/07/2009 04:31 PM

To: 'Shawna & Mark' <jmrothwell@bresnan.net>  
cc: Brenda Morris/ENF/R8/USEPA/US@EPA, "Laura J. Hawes" <lhawes@cozen.com>, "Yavinsky, Mark S" <Mark.Yavinsky@acegroup.com>  
Subject: RE: Rothwell backyard - again

Shawna:

First, let me apologize if I possibly misconstrued my earlier conversation with EPA. Brenda did not say that EPA either approves or disapproves any expenditures for landscaping issues. She has just asked for some information and a little time to consider EPA's position. So, technically, EPA is not blocking the expenditure at this time, although I hope you can understand my hesitancy. ACE also has approved the expenditure (although Keller wants a release that the "fix" to this limited issue is acceptable- I can explain that more later).

I am balancing a lot of issues and parties here. To begin with, I have to make sure that I am not treating claimants inequitably. I also have to make sure that Keller stays in compliance with the EPA orders. Your request, plus starting on the landscaping on the other claimants just raised the issue of what position – if any – EPA has on the expenditure of diminishing insurance funds on landscaping. I called Brenda to get that position, she understandably needs some information to provide it and I am going to do everything in my power to get her that information so that we can hopefully account for that position. I have been told that I will have the information for EPA on Monday and I am confident that Brenda will turn around on her part as fast as she can. Not sure if I can hit your imposed May 15<sup>th</sup> deadline, but I will do what I can.

Please understand that this is not a denial of your request- it is just a request for a few more days. I understand that this is arguably Cedar Creek's issue and they could have liability. However, establishing that is not a given and is going to take a lot longer (and cost more) than the few days I am asking for. We may ultimately have to look down that path, but for the next week let's see how we can address fixing it.

Chuck Hansberry  
Garlington, Lohn & Robinson PLLP

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**From:** Shawna & Mark [mailto:jmrothwell@bresnan.net]  
**Sent:** Thursday, May 07, 2009 2:16 PM  
**To:** Charles E. Hansberry  
**Subject:** Re: Rothwell backyard - again

Chuck,

I feel that this hesitation is bad faith on your part. I need to get on the schedule to get the yard fixed sooner, rather than later. I want this problem fixed now since I have addressed it with you, EPI and Donna Inman since last summer. I am sure you have listened to Brenda Morris's message and at this point she has stated that they are not giving any answers on how you spend the money. She has also stated that Cedar Creek may have some liability in fixing my yard but that is not my problem. I think that getting the check by May 15th is fair as this is not a new issue. I am not asking for any kind of reimbursement for not being able to utilize my yard, but getting it fixed, as has been promised, is not an option.

----- Original Message -----

**From:** [Charles E. Hansberry](#)  
**To:** ['Shawna & Mark'](#)  
**Sent:** Thursday, May 07, 2009 10:49 AM  
**Subject:** RE: Rothwell backyard - again

Approval is going to take a little longer. Its not ACE, though, it's the EPA. We are starting to get to some crunch time on insurance funds and EPA wants to review things before we make landscaping expenditures.

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**From:** Shawna & Mark [mailto:jmrothwell@bresnan.net]  
**Sent:** Thursday, May 07, 2009 10:28 AM  
**To:** Charles E. Hansberry  
**Subject:** Rothwell backyard - again

Hi Chuck!

I was wondering if you had any response from Ace concerning our backyard? We need to put 10% down in order to get on their calendar to do the work. I will go ahead and do that if you think that Ace will more than likely be a GO with this plan. What is your feeling? Please let me know. Also, where you able to find anything out concerning the Lake Shore Construction permit?

Thank you for your time!!!!

Shawna

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